Perspectives of the Unified Command System – From the Salvor

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I want to thank the Coast Guard for providing the vehicle behind the Seattle Maritime Salvage Conference, 2002. As a local salvor based here on the Seattle waterfront for over twenty years, I personally appreciate the attendance of some of the most recognized and respected names in the salvage business. We have individuals who have traveled great distances to be with us here in Seattle today. In fact, Mr. Archie Bishop has made the journey all the way from Great Britain to give us colonials the word from the motherland.

It is a bit daunting therefore to pretend, and to stand in front of such a distinguished group and presume to represent the whole salvage industry perspective on the Incident Command System. Certainly, as commercial salvors, each of us in one way or another has had to come to grips with the reality of this relatively recent phenomenon. Those of us who have been around awhile remember when no such system existed, when oil pollution was just part of the game. "If you're going to make an omelet you gotta break a few eggs" so to speak.

Today there remain some salvors who continue to fight the good fight, resisting all the way, and only retirement and death will silence their condemnation of a system that transfers the mantle of absolute authority from the salvage master to a 'damn committee'. Other have found their way of dealing with a system that at times frustrates, confounds and baffles them, eventually getting the job done, in spite of it all. Then there is the new generation of salvor, adept in the extreme at conforming to, in fact working with (and sometimes just 'working') the ICS.

In this discussion, my personal experience will have to suffice as examples of this system in action. These examples will be used to illustrate the few points chosen to make about the salvor and his view of the ICS. Consequently, much of the salvage community will remain silent due to my lack of knowledge of their various and no doubt enlightening experiences. It is my fervent wish that at the conclusion of this conference, the sharing of these experiences by as many participants as possible, will help us to come to a better understanding of where we, as salvors, now fit into the ICS, and where we should perhaps make changes that would better serve the public, the agencies, and the owners and insurers who eventually wind up paying for it all.

From my perspective, the Incident Command System, as a management tool, does not place the proper value on salvage and salvage operations. Neither does it adequately respect salvage and salvage operations as a cost effective, proactive pollution mitigation tool. We, as salvors, understand the benefit that salvage can play in reducing the

potential for pollution damage, but the ICS does not properly address salvage's capabilities.

In respect to valuing salvage and respecting its capabilities as a pollution mitigation tool, the ICS has positioned salvage operations under the emergency response branch, on par with other operations such as shoreside recovery, decontamination, disposal, and other operations that are not necessarily time sensitive. In addition, a salvor must work beneath an Emergency Response director, and an Operations section chief, which often have little or no training or understanding of the complexity of salvage operations. This position puts the salvor in a reactive mode, whereas salvage should be a proactive operation. The salvor must often move forward on the basis of several potential scenarios, as often a rapidly developing situation does not allow a strictly linear approach.

Salvage operations, in its current position in the ICS, work very well in the following cases:

1) No pollution threat exists or could potentially exist during an incident

   In these incidents, salvage operations can function effectively for two reasons: one, if no pollution threat exists, it is more than likely that the ICS has not been even set up; and two, the salvage operations can basically run unimpeded, with the salvor assuming his historical mantle.

   It always amazes me when we are involved with a non-pollution salvage such as parbuckling an overturned barge. The management is boiled down to only those with a direct interest: the owner, the insurer, the surveyor, and the salvor. The standard checks and balances are in place between the surveyor representing the underwriters, and the salvor, which generally results in a balanced, well conceived, economically and technically sound effort.

2) Mitigation of an existing pollution threat, whether a spill has or has not occurred, which does not need immediate addressing

   In these incidents, pollution mitigation is not necessarily ongoing. Preparations are usually underway such as staging of equipment and supplies but it is not a time sensitive issue, and salvage operations run almost independently from the focus of the ICS. This does not mean that close attention is not paid toward salvage operations and the potential to cause (further) pollution. Rather, the ICS has been set up, and continues its planning for the potential release. However, the salvor usually has access to his client, and can make more unilateral decisions outside the ICS.

   This can be like a situation in Glacier National Park where a small cruise ship went aground on a pinnacle at a very remote location. In this case, a very large and well-attended ICS was set up in Juneau. The incident site was only accessible by water or by seaplane. Fortunately, the Captain of the Port remained on site

during the entire operation, able to make timely and informed decisions when required, unencumbered by the presence of a reported 600 to 700 participants in the ICS back at the command center. The salvage went well, with less than 300 gallons of fuel spilled. It should be noted that a delay in action could have resulted in the wreck shifting off the pinnacle, ripping open the fuel tanks and sending the vessel to a depth (80 or 90' or so if I recall correctly) that would have made spill abatement and salvage much more environmentally damaging.

3) Individual members of the Unified Command recognize the value of salvage operations as a pollution mitigation tool

In these incidents, one or more members of the Unified Command has an appreciation of salvage operations, either through previous projects where salvage has proven to work effectively to remove pollutants or mitigate further pollution, or a Unified Command member has received training that assists in understanding the complexity of salvage operations. When this occurs, salvage has a direct channel with a "decision-maker" (most likely the owner representative or the federal on-scene coordinator) and can "bend the ear" outside of the committee decision-making process that usually occurs within ICS.

Unfortunately, this rarely happens. This is where it is so important for the local Coast Guard Districts to have good relationships with the salvage assets they may wind up working with. This knowledge of the players, their experience and capability, will be invaluable during the initial stages of a serious incident.

Salvage operations tend to be ineffective, inefficient or irrelevant when an incident occurs and the pollution threat needs immediate mitigation, whether it is an actual threat or a perceived threat (via political pressures). As the pollution threat takes center stage, salvage operations are hindered, and not given proper consideration. Oil removal operations take precedence over the overall salvage effort, which sometimes leads to incomplete success or the complete failure of the salvage effort; one that if left unhindered could possibly have removed the pollution threat completely. The question to be answered is "Why doesn't salvage and salvage operations receive the attention during an incident which has a pressing pollution threat"?

Recently a barge was overtaken and struck by a small freighter here in Puget Sound. Subsequently the barge, in danger of sinking mid-channel, was intentionally grounded with over 100,000 gallons of diesel fuel aboard. Salvage efforts had been underway for less than 48 hours when it was decided somewhere in the ICS that the oil should be removed in-situ. It was, from a technical standpoint, a complete waste of time and energy to consider such an environmentally hazardous and complex operation. This became an issue that began to detract from the salvage effort. Fortunately, within a few hours the barge was refloated using a combination of air and pumps and the issue became moot. I mention this only because, as an example, it will bring to mind numerous

incidents in this audiences memory where a perfectly sound salvage effort was sidetracked, stymied or even abandoned due to the unfamiliarity of the ICS with marine salvage.

The answers lie in the following issues:

1) The complexity of salvage
2) The current focus of ICS on pollution in marine incidents
3) The historical/commercial underpinnings of the salvage industry

The Complexity of Salvage

Most participants in the ICS have experience and/or knowledge of oil spill response operations. It is not difficult to gain this rudimentary knowledge. I do not mean to diminish the expertise in the industry, but there is a relatively small learning curve that one has to grasp to participate in the system. Combine this with the near universal training in marine pollution response and everyone has at least a working knowledge of the practices and politics of oil spill response. This is why pollution response becomes the focus of the ICS, and why it is effective in managing pollution response. Salvage, on the other hand, takes more formal training and discipline to accomplish success in both understanding and execution. This combined with the relative infrequency of salvage operations compared to oil spills makes salvage expertise difficult to come by. Very few personnel have this understanding outside of the salvage operators themselves.

The Current Focus of the Incident Command System

The focus of the ICS is pollution response, with accommodations made for other operations, such as salvage. However, spills are of public importance, as great political pressure can be exerted when oil hits the water and shoreline. Therefore, the system seeks to address this pressure. The ICS allows for all issues to be addressed, addresses accountability of the response, and lacks any concern for cost efficiency from the system (unless the job has been federalized, as we have all seen). Salvage, as a separate issue, is not necessarily driven by political pressure, but rather by commercial and economic aims. Therefore, salvors and salvage operations are gauged by a different yardstick. They are conditioned to respond immediately to the incident, and limit further damage to either cargo or hull. They have a vested interest. The salvor cannot wait for a consensus to be reached through committee meetings; his economic reward for success dwindles as the ICS plods this course to consensus.

Although the ICS is an extremely effective management system, and is constructed to manage a crisis, it is not necessarily responsive to a crisis. As is seen in all incidents, the ICS is most effective after the emergency phase of a response. It is usually not up and running until day three or four of an incident. The ICS is reactive during critical timelines and operations, and more proactive

when issues are not time sensitive. This countermands the necessity of salvage operations when “time is of the essence”.

Ultimately, the system must protect the public interests, but be willing to accommodate the commercial and economic interests of the owner and insurers of the vessel involved.

The Historical/Commercial Aspect of Salvage

Historically, salvage has been a commercial endeavor, with the economics of the situation dictating the actions of the individuals involved. The most recognizable example of such a relationship is embodied in the Lloyds Open Form, developed many years ago to provide some structure to the commercial side of marine salvage. This arrangement was clearly designed to encourage salvors to be long sighted, be risk takers, and to be aggressively proactive in their efforts to preserve the property of the owners, both ship and cargo.

Today, as I have seen it, marine salvage is more often a negotiated commercial enterprise, with the terms of a contract hammered out specifically for each situation. Still, there is a healthy system of checks and balances in place that when working properly allow the owner and salvor to reach an agreement that is beneficial to both parties. In the middle of everything is the insurance company’s representative, usually a marine surveyor knowledgeable in salvage operations, that is able to maintain some balance between the owners and salvage company through recommendations and approvals.

Things have changed over the last few decades, with increased emphasis on environmental issues, and the ensuing politicization of the entire marine business. Subsequently the United States Coast Guard has been given the responsibility to maintain the nation’s waterways, acting as environmental stewards for the citizens of our nation, with all the rights and indeed extraordinary powers assigned to them by congress.

It is no wonder then, that marine salvage has been eclipsed by marine pollution control and cleanup. Even the ancient and venerable LOF has been changed to reflect the realities of today’s world, allowing for compensation even in failure, where pollution liabilities have been diminished or eliminated, but the salvage effort was unsuccessful.

How to we provide resolution to the problem with salvage and the ICS?

The ICS has already proven to be a reliable tool for management of marine incidents, and it is here to stay. It is highly unlikely that changes would be made within the system to accommodate differing scenarios that revolve solely around salvage; there is no need to make the ICS less user-friendly.

The answer to the salvor's problematic position and role in the current ICS can be addressed through the salvor's relationship with the Unified Command. With a direct, unimpeded link to the Unified Command, the salvor can make his concerns and needs directly to the ultimate decision-makers, and have time-sensitive concerns and pending operations addressed immediately.

The way to achieve an open relationship with the Unified Command is twofold:

1) Share salvage issues and concerns with members of the United States Coast Guard. As perhaps the ultimate decision-maker in the Unified Command, the federal on-scene coordinator should be a person who understands salvage operations, and their complexity. It should also be someone who knows regional salvors and their respective assets, as well as the larger salvor operators. It is up to the Coast Guard Port Captains to make themselves knowledgeable with the local salvage assets and operators and not rely strictly on global marketing efforts. It is encouraging that we, through cooperation with the USCG, are accomplishing this at conferences such as this. I would like to reiterate my thanks for the USCG and its involvement in this dialogue. Only through frank and open discussions can we as salvors inject our concerns with the ICS and marine incidents to the Coast Guard.

2) Inform our clients (vessel owners and operators) of the value of salvage operations. We as a collective group need to let our clients know that salvage operations have a place as a pollution mitigation tool. If we attempt to inject this point to our clients during an incident without prior dialogue, we have already lost. We as salvors need to teach our clients that they have the ability to drive salvage operations as a viable option during pollution incidents. If we accomplish this, we will see the change in how salvage is addressed in the ICS. It will become a forethought in the minds of those charged with ultimately managing an incident rather than an afterthought.

In conclusion, I would like to reiterate my appreciation for the opportunity to speak on the subject of the Incident Command System as it relates to the marine salvor. I am confident that with all the assembled expertise at this conference here today, solutions will begin to emerge. The Incident Command System must continue to accommodate the commercial and technical realities of marine salvage, and until this is effectively done, we have not done all we can to keep oil off the waterways and beaches of our country.